

## **PREAMBLE**

This Constitution for Student Governance (“**Constitution**”) embodies the commitment to student governance based on the principles of equal recognition and respect for all individuals and communities. The Constitution affirms the principles outlined in Chapter 2 of the Constitution of the Republic of South Africa, the principles, values and provisions of the Higher Education Act 101 of 1997, as amended, and the Statute of the University of Pretoria. The Constitution reinforces the vision, mission, strategic plan and value system as well as the codes of conduct of the University of Pretoria.

The model of student governance outlined in this Constitution is intended to reflect the principles and values outlined in this Preamble and the Bill of Student Rights set out herein, and any amendments to this Constitution must accordingly also reflect such values and principles.

## CHAPTER 1

### DEFINITIONS, PURPOSE, STATUS, APPLICATION AND COMMENCEMENT

#### 1 Definitions

- (1) In this Constitution, unless the context otherwise indicates, –
- (a) **Academic Year** means that period from the official commencement of the first semester of the University in a particular year to the official closing of the second semester of the University in the same year.
  - (b) **Black** is a generic term which means Africans, Coloureds or Indians as defined in the Employment Equity Act, 55 of 1998.
  - (c) **Constitutional Tribunal** means the Constitutional Tribunal as set out in Chapter 6 of this Constitution.
  - (d) **Council** means the Council of the University as established by the Higher Education Act 101 of 1997, as amended, and by the Statute of the University of Pretoria.
  - (e) **Day House** means a house officially acknowledged and recognised by the University and run by Day Students in accordance with their own constitution.
  - (f) **Day Student** is any registered student of the University of Pretoria not residing in any of the University-controlled residences, whether formal or informal, or residences with which the University has a recognition agreement.
  - (g) **Electoral Committee** means the independent Electoral Committee as set out in Chapter 12 of this Constitution.
  - (h) **External Campuses** can be a Faculty not situated on the Hatfield Campus or can be a campus other than the Hatfield Campus.
  - (i) **Extraordinary Measures** are those set out in Chapter 11 of this Constitution.
  - (j) **Executive** means the Executive Management of the University and specifically includes the Vice-Chancellor and Principal, Vice-Principals, the Registrar(s), Executive Directors and Advisor(s) to the Principal.
  - (k) **Faculties (of the University)** includes the following faculties: Faculty of Economic and Management Sciences; Faculty of Education; Faculty of Engineering, Built Environment and Information Technology; Faculty of Health Sciences; Faculty of Humanities; Faculty of Law; Faculty of Natural and Agricultural Sciences; Faculty of Theology; and Faculty of Veterinary Science.

- (l) **Faculty House** means an official student structure, which is organised along faculty lines, to which all registered students belong by default.
- (m) **GIBS** means the Gordon Institute of Business Science, the business school of the University of Pretoria situated in Illovo, Johannesburg and having students both on the Illovo Campus and in Pretoria who will be considered as part of the Faculty of Economic and Management Sciences.
- (n) **Management (of the University)** includes the Executive of the University and Senior Management of the University, and Senior Management refers to all Deans and Directors of the University.
- (o) **Public** in relation to events, meetings or activities means open to the University community (staff and students).
- (p) **Public Documents** means documents to which the University community (Students and staff) have access.
- (q) **Senate** means the Senate of the University of Pretoria established in terms of the Higher Education Act 101 of 1997 as amended, and by the Statute of the University of Pretoria.
- (r) **Service Providers** means the student service providers recognised by the University as set out in Chapter 9 of this Constitution.
- (s) **Society** means student society of a social, political, cultural, religious or an academic nature, including societies associated with specific academic programmes or departments of Faculties, but not Day Houses or Faculty Houses, organised at the University of Pretoria. The sole purpose of such society must be to represent student interests.
- (t) **Student** means any full-time or part-time student duly registered for an undergraduate or postgraduate degree or a diploma approved by Senate, but excludes a distance education student, a student registered for subjects or programmes for non-degree purposes or a student registered for a course at the campus company Continuing Education at University of Pretoria (CE at UP).
- (u) **Student Body** means all Students duly registered as such at the University.
- (v) **Student Community** means any formal or informal grouping of whatever nature within the Student Body.
- (w) **University** means the University of Pretoria as established in terms of the Higher Education Act 101 of 1997, as amended.
- (x) **University Authorities** means all institutions and functionaries of the University of Pretoria discharging any official management or related function or power carried out in terms of any applicable legislation, the

Statute of the University of Pretoria or institutional rules and regulations of the University of Pretoria and specifically includes the Council, Senate, Executive, Senior Management and disciplinary committees of the University.

- (y) **White** means any person who is not black as defined in this Constitution.
- (2) In this Constitution, unless the contrary intention clearly appears:
  - (a) words in the singular also denote the plural, and *vice versa*; and
  - (b) references to one gender shall automatically include the other gender.
- (3) If any word or phrase is defined in this section 1, that word or phrase shall carry the same meaning throughout the remainder of this Constitution.

## **2 Purpose**

The purpose of the Constitution is to provide the structure and procedures for Student governance at the University of Pretoria.

## **3 Status, application, commencement and amendment**

- (1) The Student Representative Council, as envisaged in section 35 of the Higher Education Act 101 of 1997, as amended, acts in accordance with this Constitution and the Statute of the University of Pretoria and is subject to the authority of the University Council and other relevant University Authorities.
- (2) This Constitution replaces the Interim Constitution for Student Governance and the Interim Arrangements for 2005 / 2006 and all other previous Constitutions for Student Governance at the University of Pretoria.
- (3) This Constitution will take effect on a date determined by resolution of the Council of the University. This Constitution may be amended by the Council of the University, after consultation with the Student Representative Council, the Student Parliament and the Student Body.
- (4) Both the Afrikaans and English versions of this Constitution are approved by the University Council and are official and enjoy equal status. Any discrepancies in meaning are interpreted in a manner that reconciles the two (2) versions with each other. When it is impossible to reconcile the conflicting provisions, the provision in the version which best gives effect to democratically accountable and effective Student governance and the principles of equal recognition and respect for all individuals and communities within the Student Body of the University, will receive preference.

- (5) The Student Representative Council must make both of the versions available on the official website of the University and either or both of the versions at the request of an individual Student or Students.

## **CHAPTER 2**

### **BILL OF STUDENT RIGHTS**

#### **4 General provisions**

- (1) The rights set out in this chapter are an addition to the Constitution of the Republic of South Africa, 108 of 1996 and other laws of the Republic.
- (2) The rights as set out in this chapter are exercised within the framework of the policies, policy guidelines, rules and regulations of the University of Pretoria.
- (3) All rights in this Bill of Student Rights are exercised in a manner that allows for the equal enjoyment and exercise of rights by all Students.

#### **5 Application**

The rights in the Bill of Student Rights bind all Student governance structures at the University of Pretoria.

#### **6 Equality**

- (1) All Students are entitled to equal treatment and protection as provided for in the regulations of the University of Pretoria.
- (2) No Student shall unfairly be discriminated against directly or indirectly, and without derogating from the generality of this provision, on one or more of the following grounds in particular: race, sex, gender, socio-economic status, nationality, language, ethnic or social origin, political or other belief, religion, sexual orientation, disability or year group.

#### **7 Confidentiality of student records**

Subject to the laws of the Republic of South Africa and to the rules, regulations and provisions of the University which permit or compel the disclosure of information in particularly defined circumstances, every Student has the right to confidentiality of his or her University records, and no information contained in such records may be disclosed without the permission of the Student in question.

#### **8 Academic freedom and standard of academic training**

Every Student has the right to: –

- (1) academic freedom as commonly understood within the context of tertiary education; and
- (2) reasonable access to lecturers in accordance with the policy of the University.

## **9 University facilities**

- (1) Every Student is entitled to use University facilities in accordance with University regulations, rules and provisions and where applicable, in accordance with the rules referred to in this Constitution.
- (2) Every Student is entitled to information regarding the facilities available to him or her in terms of the regulations, rules and provisions referred to in subsection (1).

## **10 Freedom of movement and association**

- (1) Subject to applicable rules, regulations and provisions of the University, every Student has the right to freedom of movement on campus, and freedom of association on campus, including the right to join any Student group, association or society and to participate in Student life in general.
- (2) Every Student society has the right to fair and equitable treatment by the Student Representative Council and the Management of the University.

## **11 Assembly, demonstration and petition**

- (1) Subject to the policies, rules and regulations of the University, every Student has the right to peaceful assembly and demonstration on campus, and to submit petitions to the Student Representative Council and to the University Authorities; provided that any such petition must contain the Student's name and student number.
- (2) The sole purpose of the disclosure requirement in the case of the submission of a petition in terms of section 11(1) of this chapter shall be to determine the authenticity of such petition, and no Student may be victimised or intimidated by virtue of the preparation, organisation and submission of such a petition.

## **12 Right to vote**

Every registered Student has the right to vote in elections for the Student Parliament or any other Student governance structure in accordance with the provisions of this Constitution and section 59 of the Statute of the University and to do so in secret, and to make him or herself available for election to these structures, subject to the fair and relevant eligibility requirements of such structures and subject to the provisions of this Constitution.

## **13 Freedom of expression**

Subject to section 16 of the Constitution of the Republic of South Africa and to applicable University and Faculty regulations which are reasonable and justifiable, every Student has the right to freedom of expression which includes: –

- (1) freedom of the Student media;
- (2) freedom of academic expression and scientific research;
- (3) freedom to receive information from the University and Student governance structures on matters that affect her or his rights; and
- (4) clothing and appearance.

#### **14 Access to information**

- (1) Every Student has the right to: –
  - (a) be informed within a reasonable time of any decisions taken by the Student Representative Council on any matter affecting the rights or interests of the Student in her or his capacity as a Student of the University of Pretoria.
  - (b) information held by the Student Representative Council or another Student governance structure if such information bears upon the rights or interest of such Student in her or his capacity as a Student of the University of Pretoria.
  - (c) be informed timeously about the programme of the Student Representative Council and other Student governance structures.
  - (d) information held by the University of Pretoria Authorities or administration if such information bears upon rights or interests of the Student in her or his capacity as a Student of the University of Pretoria;

provided that no Student is entitled to information to which he or she would not be entitled to by South African law, and provided further that the manner of access to such information may be regulated by University rules.

#### **15 Administrative action**

Every Student has the right to just administrative action taken by University Authorities and the Student Representative Council in accordance with section 33 of the Constitution of the Republic of South Africa and the Promotion of Administrative Justice Act, 3 of 2000.

#### **16 Limitation**

The rights in this Chapter may be limited in accordance with the requirements of section 36 of the Constitution of the Republic of South Africa.

#### **17 Enforcement**

Any Student, any Student structure or Student group acting in the interests or on behalf of a group or class of Students may approach the Constitutional Tribunal

for the appropriate relief in the event of an alleged violation of his or her rights under this Constitution.

## **18 Interpretation**

The interpretation of the Bill of Student Rights must conform with Chapter Two of the Constitution of the Republic of South Africa, the Higher Education Act 101 of 1997, as amended, the Statute of the University of Pretoria and University regulations and policy and reflect the values and principles contained in the Preamble to this Constitution and give preference to an interpretation of this Constitution that will promote efficient and effective Student governance.

## **CHAPTER 3**

### **STUDENT GOVERNANCE STRUCTURES**

#### **COMPOSITION AND GENERAL PROVISIONS**

##### **19 Composition**

- (1) The Student governance structures of the University of Pretoria consist of the Student Parliament, the Student Representative Council and any institution or body duly established in terms of this Constitution.
- (2) The Student Parliament is elected on a constituency basis set out in chapter 4 and is the representative body to which the Student Representative Council is accountable.
- (3) The Student Representative Council is the executive body and is responsible for day to day governing of Student affairs and is accountable to the Student Parliament.
- (4) There is a Constitutional Tribunal which is the judicial body of Student governance and which has the jurisdiction as described in section 44 of chapter 5, and chapter 6 of this Constitution.
- (5) Aspects of Student governance may be dealt with by other Student governance structures recognised in, or created by the Student Representative Council in terms of this Constitution, including a substructure in terms of chapter 8 of this Constitution.

##### **20 Jurisdiction**

- (1) The Student Parliament and Student Representative Council represent the Students of the University of Pretoria and has governing responsibilities in relation to Student affairs designated to the Student Representative Council in this Constitution.
- (2) The Student Parliament and Student Representative Council have further jurisdiction over matters assigned to it by the University Council or other University Authorities as set out in the Higher Education Act 101 of 1997, as amended, the Statute of the University of Pretoria and University regulations and policies.
- (3) The Student Representative Council may advise the University Authorities on all issues including institutional policy affecting Students of the University.

##### **21 Right to vote in constituencies**

All Students of the University, except those whose voting rights have been limited as a result of disciplinary action taken by a duly authorized organ of the

University, have the right to vote and participate in elections for candidates for the Student Parliament in the constituency or constituencies in which they are registered in the manner described in this Constitution.

## **22 Eligibility requirements to serve on the Student Parliament and the Student Representative Council**

- (1) A Student qualifies as a candidate for the Student Parliament and Student Representative Council if: –
  - (a) he/she is registered for a degree or a diploma at the University of Pretoria;
  - (b) in the case of an undergraduate Student be (who must at least in the second academic year when nominated for election to the Student Parliament) he/she has passed the previous academic year, having enrolled for all the modules required for his/her qualification in the following year, has obtained a fifty five percent (55%) average in the semester preceding the election: Provided that modules cancelled after the final date for the cancellation of registration in the first semester as contained in the yearbook or University calendar will be taken into account in determining the average obtained in the semester preceding the election;
  - (c) in the case of a Student enrolled for a coursework postgraduate qualification he/she has obtained a fifty five percent (55%) average in the semester preceding the election;
  - (d) in the case of a postgraduate Student who is registered for a research degree he/she must present written confirmation by the Faculty administration of the Faculty in which he/she is registered that sufficient progress has been made for the Student to complete the degree or diploma within the prescribed minimum period;
  - (e) he/she has not been found guilty by a disciplinary committee of the University for transgression of the Disciplinary Code or other rules and regulations of the University.
- (2) A Student who is elected or who occupies a position in a Student governance structure and who no longer complies with the requirements of section 22 automatically forfeits his/her membership with immediate effect and is replaced in accordance with the procedures contained in this Constitution.
- (3) A Student may make himself or herself available as a candidate for election in only one constituency.

## **23 Tenure**

- (1) The term of office of the Student Parliament, the Student Representative Council and of the members of these bodies is one year, commencing on

January 1 of the year following their election, and expiring on December 31 of that year. Training of the Student Representative Council and Student Parliament will take place during October and November of the year before their term commences.

- (2) The Student Representative Council is elected at the constituting meeting of the Student Parliament following the annual election.
- (3) The Constitutional Tribunal is constituted on an annual basis as described in this Constitution and the constitution of the Constitutional Tribunal. The tenure of the judges serving on the Constitutional Tribunal commences on January 1 of the year following their appointment/election and expires on December 31 of that year.

## **24 Code of Conduct**

- (1) At the beginning of the term of office of all Student governance structures all the members of such structures sign the relevant Code of Conduct. Failure to do so before the start of the term of office will result in the person concerned forfeiting her/his membership of the Student Representative Council or the Student Parliament as the case may be. The vacancy resulting from such forfeiture must be filled in accordance with the provisions of section 58 of this Constitution.
- (2) A complaint of alleged breach of the Code of Conduct may be laid by a Student or staff member with the Office of the Dean of Students.
- (3) Upon receiving a complaint the Dean of Students investigates the alleged breach of the Code of Conduct.
- (4) If, after investigating the alleged breach, the Dean of Students considers the complaint to be clearly unfounded he/she dismisses the complaint and informs the complainant accordingly.
- (5) If the Dean of Students does not consider the complaint to be clearly unfounded, he/she may mediate in the matter between the parties involved or may act in terms of subsection (6) below.
- (6) The Dean of Students may refer the matter to an internal independent adjudicatory body constituted by the Dean of Students, which body adjudicates the matter and makes a finding whether or not a serious breach of the Code was in fact committed and makes an appropriate order. The order may include a fine and/or a ruling that the person must vacate his/her seat on the Student governance structure concerned.
- (7) If the Dean of Students or the internal independent adjudicatory body considers the alleged breach to be a transgression of the University's Disciplinary Code, the Dean of Students refers the complaint to the University disciplinary committee for Students, which acts in accordance with its powers.

**25 Working languages**

- (1) The working languages of the Student governance structures are Afrikaans and English. There shall be equal use of the two (2) languages in all matters falling under this Constitution.
- (2) In accordance with chapter 13 of this Constitution and in view of the transitional nature of this Constitution, only the English version of this Constitution will be used for the Student governance elections in 2010 and 2011 and the 2011 and 2012 terms of office.

**CHAPTER 4**  
**STUDENT PARLIAMENT**  
**COMPOSITION**

**26 Number of constituencies and members**

- (1) Candidates representing various constituencies as determined in this Chapter are elected to the Student Parliament in the annual Student Parliament elections. A maximum of twenty-one (21) members of the Student Parliament are subsequently elected to the Student Representative Council in the manner described in this Chapter at the constituting meeting of the Student Parliament. These elected members vacate their seats in the Student Parliament immediately after the election of the Student Representative Council. The remaining members constitute the Student Parliament.
- (2) No dispute or eventuality pertaining to the participation or withdrawal or election or composition of any individual constituency precludes the Student Parliament from being legally composed and the Student Parliament fulfils its responsibilities and executes its functions as described in this Constitution with or without the members of the affected constituency or constituencies.

**27 Faculty constituencies**

- (1) There are nine (9) Faculty constituencies, one for each Faculty of the University represented as set out in section 27(2)(a) (c).
- (2)(a) five (5) members each are elected by secret ballot to represent the Faculties in which the enrolled headcount equals or is more than five thousand (5000 ).
  - (b) four (4) members each are elected by secret ballot to represent the Faculties in which the enrolled headcount equals or is more than one thousand (1000) but less than five thousand (5000).
  - (c) two (2) members each are elected by secret ballot to represent the Faculties in which the enrolled headcount is less than one thousand (1000).
- (3) The Student headcount per Faculty is determined on the annual census data during the first week of June preceding the election.
- (4) Only Students who are registered in a particular Faculty may vote for candidates in that Faculty.
- (5) Only Students who are registered for a degree or diploma in a particular Faculty are eligible as candidates in that Faculty constituency.

- (6) At least forty percent (40%) of the members elected for each of the Faculties must be female and at 40% must be male.
- (7) Each Faculty constituency, in its representation on the Student Parliament, must strive to be broadly representative of:
  - (a) the demographic composition of the Faculty concerned;
  - (b) undergraduate as well as postgraduate Students; and
  - (c) Students with disabilities.
- (8) The election takes place in the manner described in this Constitution.

**28 Residences Constituency**

- (1) University controlled Residences and Residences with which the University has a recognition agreement constitute one constituency represented by a maximum of ten (10) members (subject to chapter 13).
- (2) (a) All the members of the house committees of the Residences elect the members to the Student Parliament at an election meeting presided over by the Dean of Students or his/her designated representative, duly convened in terms of section 80(1) of this Constitution.
 

(b) The elected members must be eligible in terms of section 22 and must be presently or previously serving members of a University controlled Residence house committee.
- (3) At least forty percent (40%) of members must be female and forty percent (40%) of members male. In electing its representatives on the Student Parliament, the Residences constituency must strive to be broadly representative of:
  - (a) the demographic composition of the Residences; and
  - (b) Students with disabilities.
- (4) Should a serving committee member be elected to the Student Representative Council, such member must vacate his/her position on the house committee.
- (5) A previous member of a Residence house committee who has made himself/herself available for election to the Student Parliament must still be a resident in a University controlled Residence at the time when he/she is nominated.
- (6) Not more than one member may be elected from the same Residence.
- (7) The election takes place in the manner described in this Constitution.

**29 Day Student Constituency**

- (1) The Day Students constitute one (1) constituency represented by a maximum of four (4) members (subject to chapter 13 of this Constitution).
- (2) At least forty percent (40%) of the members must be female and at least forty percent (40%) must be male. In electing its representatives on the Student Parliament, the Day Student constituency must strive to be broadly representative of:
  - (a) the demographic composition of the University of Pretoria; and
  - (b) Students with disabilities.
- (3) The candidates for the election in this constituency must be eligible in terms of section 22 of this Constitution.
- (4) The election takes place in the manner described in this Constitution subject to chapter 13 of this Constitution.

### **30 Society Constituency**

- (1) The Societies that register for the purpose of contesting an election constitute one constituency represented by the same number of members as the Faculty constituencies. The members will become candidates when approved and will be appointed by proportional percentage representation.
- (2) Societies wanting to participate in the elections must register with the Electoral Committee and submit a preference list of at least 5 (five) candidates. Candidates on the preference list must be eligible in terms of section 22 of this Constitution and must be presently or previously serving members of a registered Society.
- (3) At least forty percent (40%) of the candidates must be female and at least forty percent (40%) must be male.
- (4) The election for Societies takes place by a separate secret ballot simultaneously with the Faculty constituencies elections.
- (5) Each Student that qualifies to vote in his/her Faculty also has one (1) vote for any one of the registered Societies.
- (6) In electing its representatives on the Student Parliament, the Society Constituency must strive to be broadly representative of:
  - (a) the demographic composition of the University of Pretoria; and
  - (b) Students with disabilities.
- (7) Should a Society member be elected to the Student Representative Council such member must vacate his/her position on the Society's executive committee.
- (8) The election takes place in the manner described in this Constitution.

### **31 External Campuses**

External Campuses are not a separate constituency in the Student governance elections. Students on External Campuses may participate as candidates and voters in all the other recognized constituencies, in accordance with the relevant sections contained in this Constitution.

## **RESPONSIBILITIES AND FUNCTIONS**

### **32 Responsibilities and functions of the Student Parliament and its members**

- (1) The Student Parliament acts as the voice of the Student Body in general and of the various constituencies and communities in particular. Members of the Student Parliament should represent the widest possible variety of views within the Student Body.
- (2) The Student Parliament in a plenary session elects a maximum of twenty-one (21) and a minimum of fifteen (15) members of the Student Representative Council at its constituting meeting.
- (3) At its next meeting it considers the Student governance agenda for their term of office and identifies the portfolios required in the Student Representative Council.
- (4) The Student Parliament: –
  - (a) identifies and decides the broader agenda for the Student Representative Council and mandates the Student Representative Council in any matter falling within the jurisdiction of the Student governance structures and adopts resolutions and makes recommendations to the Student Representative Council in relation thereto;
  - (b) receives and discusses reports of the Student Representative Council and poses questions to individual members of the Student Representative Council during the meetings of the Student Parliament;
  - (c) through the members representing constituencies report back regularly to the constituencies;
  - (d) may, with the supporting vote of at least two thirds of its total members pass a motion of no-confidence in the Student Representative Council or any member or office bearer of the Student Representative Council provided that: –
    - (aa) The motion must be in writing and must be properly motivated and both the motion and the motivation must be submitted to the Speaker;
    - (bb) One week's notice of the motion, is given by submitting the motion accompanied by the motivation to the Deputy Speaker of the Student Parliament; the Secretary-General of the Student Representative Council, and if the motion of no-confidence is against a specific individual member

of the Student Representative Council, to such member. Forthwith the Deputy Speaker must communicate the motion and the motivation to all members of the Student Parliament, and the Secretary-General to all members of the Student Representative Council;

(cc) Ample opportunity is given to the member of the Student Representative Council, or to the Student Representative Council in general, as the case may be, to fully respond to the motion at the meeting of the Student Parliament before the motion is put to a vote. Such resolution as is referred to in this paragraph (d) is binding and the Student Representative Council or the office bearer or member as the case may be, must summarily vacate its/his/her position;

- (e) must consider the constitutions of Student governance structures including the relevant structures referred to in chapter 8 of this Constitution, referred to it by the Student Representative Council and approve or refer it back for reconsideration as soon as the Student Representative Council refers such constitutions to the Student Parliament;
- (f) considers and takes decisions on all matters relating to substructures referred to the Student Parliament by the Student Representative Council.
- (5) Individual members of the Student Parliament must serve on at least one (1) portfolio committee if so requested.
- (6) Unless otherwise provided Student Parliament resolutions are adopted with a two thirds majority. The Speaker or the Deputy Speaker chairing a meeting has no vote but in the case of an equal vote may cast a deciding vote.

### **33 Meetings of the Student Parliament**

- (1)(a) The Student Parliament elect convenes for its first meeting, known as the constituting meeting, within one (1) week after the announcement of annual election results. The Student Parliament then convenes for its second meeting, which is an ordinary meeting, as soon as possible thereafter but no more than three (3) weeks after the first meeting to determine the Student governance agenda for their term of office and decides on the portfolios required in the Student Representative Council. After this meeting, the Student Parliament meets monthly for the duration of its term of office.
- (b) The constituting meeting is presided over by the serving Chief Justice or Acting Chief Justice of the Constitutional Tribunal, or by a Judge appointed by the Constitutional Tribunal.
- (c) The dates of all the ordinary meetings of the Student Parliament are set at the first formal meeting.
- (2)(a) The Student Parliament must meet for special meetings if the Speaker receives a written request to that effect accompanied by a proposed

agenda and signed by at least thirty percent (30%) of Student Parliament members.

- (b) The Deputy Speaker notifies all members of the Student Parliament at least forty-eight (48) hours before the time of the commencement of the meeting, stating the date, time and place of the meeting, as well as the agenda for the meeting.
- (3) Complete minutes must be kept of all ordinary and special meetings of the Student Parliament. The Deputy Speaker forwards the minutes to the members of the Student Parliament, the Secretary-General of the Student Representative Council, the Dean of Students and the Deputy Director Student Affairs within one (1) week of the meeting and posts the minutes on the website of the Student Representative Council.
- (4) The Student Parliament makes its own procedural arrangements. These arrangements must: –
  - (a) ensure orderly democratic debating;
  - (b) an equal and fair opportunity for each Student Parliament member to participate in debates;
  - (c) be open to Students of the University.
- (5) The quorum for both ordinary and special meetings of the Student Parliament is a two thirds majority of the members.
  - (a) The quorum is determined at the start of a meeting and is valid for the duration of the meeting: Provided that, if at any time during the meeting, less than 45 percent (45%) of the members are present, the Speaker, or Deputy Speaker as the case may be, adjourns the meeting.
  - (b) If the required quorum is not present at the beginning of a meeting the Speaker or Deputy Speaker as the case may be, adjourns the meeting and immediately gives oral notice of the next meeting, stating the date, time and place of such meeting, and must contact all members of the Student Parliament to inform them of the arrangements for the next meeting. If at that meeting a quorum is still not present, the Speaker or the Deputy Speaker as the case may be convenes a third meeting following the same procedure as set out in this subsection. If at such third meeting the required quorum is still not present, a quorum is deemed to be present and the meeting continues as if it is properly constituted.

## **OFFICE BEARERS**

### **34 General**

- (1) The office bearers of the Student Parliament are a Speaker and a Deputy Speaker.

- (2) The office bearers of the Student Parliament are elected by simple majority at the constituting meeting of the Student Parliament immediately after the election of the members of the Student Representative Council.
- (3) In electing the office bearers the Student Parliament must consider the competence of individual candidates and take into account the diversity of communities within the Student Body on the campuses of the University and their concomitant diversity of needs.
- (4) Office bearers of the Student Parliament have the responsibilities and duties set out in this chapter and must attend all mass meetings.
- (5) Where an office bearer is not present or is unable to perform his/her duties, the Student Parliament may make appropriate internal arrangements for the performance of such duties.

### **35 Speaker**

The Speaker presides over all the meetings of the Student Parliament. In accordance with arrangements made between the Speaker and the Deputy Speaker the Deputy Speaker may also preside over a meeting or a part thereof.

### **36 Duties of the Speaker**

- (1) The Speaker or Deputy Speaker presiding over meetings of the Student Parliament must at all times: –
  - (a) act impartially;
  - (b) promote and ensure orderly democratic debate;
  - (c) ensure that all members receive a fair opportunity to state their views;
  - (d) ensure that the Student Representative Council and its members are given due opportunity to report to the Student Parliament at each meeting;
  - (e) ensure that members of the Student Parliament are given the opportunity to do whatever is democratically necessary to ensure the accountability of the Student Representative Council;
  - (f) ensure orderly and free voting on motions in the Student Parliament; and
  - (g) manage control over student and media access to meetings of the Student Parliament.
- (2) The Speaker or Deputy Speaker presiding over a meeting must refrain from expressing his / her own views on issues under discussion at such meetings.
- (3) The Speaker or Deputy Speaker must attend all Executive Committee meetings of the Student Representative Council *ex officio* but cannot participate in any voting in such meetings.

### **37 Duties of the Deputy Speaker**

In addition to the duties of the Deputy Speaker in section 36, the Deputy Speaker: –

- (1) is responsible for giving notice of all meetings of the Student Parliament;
- (2) is responsible for reliable minute taking of all proceedings in all meetings of the Student Parliament including of minority views and for the keeping of the archives of Student Parliament documentation; and
- (3) must as soon as possible but no more than one (1) week after the Student Parliament meetings complete the minutes and distribute them to members of the Student Parliament, the Student Representative Council, the Dean of Students, the Deputy Director Student Affairs and make both Afrikaans and English versions available on the official website of the University.

### **38 Minutes**

Minutes of the previous meeting of the Student Parliament must be made available at the next meeting for consideration and approval.

### **39 Public Documents**

Minutes of Student Parliament meetings are Public Documents and any member of the University community has the right, subject to fair procedural arrangements made by the Deputy Speaker, to inspect the minutes of all previous meetings of the Student Parliament.

## CHAPTER 5

### STUDENT REPRESENTATIVE COUNCIL

#### 40 Election of the Student Representative Council

- (1) The Student Representative Council has a maximum of twenty-one (21) members elected annually at the constituting meeting of the Student Parliament from among the members of the Student Parliament.
- (2) The Student Parliament, during a plenary session at its constituting meeting, first elects the President, Deputy President, Treasurer-General and Secretary-General of the Student Representative Council from among their number. The Student Parliament must ensure that the person selected as Treasurer-General possesses appropriate knowledge of and skills in financial matters. The diverse nature of the communities constituting the Student Body of the University must be taken into account and duly reflected in the election of these four office bearers.
- (3) The Student Parliament then elects from among their numbers the remainder of the members of the Student Representative Council.
- (4) For purposes of electing the remaining members of the Student Representative Council the members of the Student Parliament take into account that:
  - (a) of these members elected, at least forty percent (40%) must be female and at least forty percent (40%) must be male;
  - (b) of these members elected, at least forty percent (40%) must be black and at least forty percent (40%) must be white;
  - (c) in their representation on the Student Representative Council, the Student Parliament must strive to achieve representation of undergraduate and postgraduate Students as well as Students with disabilities.
- (5) The meeting is chaired by the serving Chief Justice or Acting Chief Justice of the Constitutional Tribunal or a judge designated by the Constitutional Tribunal.
- (6) If a dispute or eventuality occurs that precludes the Student Parliament from electing the required number of members to the Student Representative Council, the Student Representative Council is constituted of the persons elected and fulfils its responsibilities and executes its functions in terms of this Constitution. As soon as the dispute or eventuality has been resolved the member(s) take up their seats in the Student Representative Council.

- (7) If the number of elected candidates to the Student Parliament is too low to achieve compliance with the minimum number of members to be elected to the Student Representative Council, the Student Parliament informs the Vice-Principal for Student Affairs accordingly and in consultation with him/her may elect, from among the members of the Student Parliament, a member or members who does not fully comply with the prescribed criteria set out in section 40(4) of this Constitution.

#### **41 Responsibilities and duties of the Student Representative Council**

- (1) In exercising its powers and functions under its jurisdiction the Student Representative Council has the duty to: –
- (a) effectively and efficiently develop and implement policy relating to Student governance and Student affairs, duly taking into account decisions taken, recommendations made and views expressed by and in the Student Parliament and is accountable to the Student Parliament.
  - (b) conduct the day-to-day administration of Student governance and Student affairs in co-operation with the Dean of Students or his/her designated representative;
  - (c) represent the Student Body of the University on the University Council, the Senate and the Institutional Forum;
  - (d) communicate with and present to the University Council, the Senate and the Executive of the University its views on matters affecting Student interests, bring matters affecting the Student Body to the attention of the University Authorities and serve as a channel of communication between these Authorities and the Students;
  - (e) communicate the needs and interests of Students to Service Providers and to co-operate with Service Providers in the best interest of the Student Body and all constituent parts thereof;
  - (f) organise and promote extramural activities among Students;
  - (g) initiate relevant community projects and coordinate Students' involvement in such projects;
  - (h) individually and collectively make themselves available to attend to the day-to-day needs and problems of Students, and to do so in consultation with the Student Representative Council member for the relevant portfolio;
  - (i) implement decisions and directives, consider proposals and recommendations submitted to it by the Student Parliament, to take due cognisance of all the views expressed at meetings of the Student Parliament, to report back to the Parliament on a regular basis and to make its members available to answer questions at meetings of the Student Parliament;

- (j) create structures for Student affairs and ensure the accountability of such structures to the Student Representative Council, and if such structures are already in existence, ensure the accountability of such structures.
- (k) exercise effective control over all structures under its jurisdiction and consider any objection from a Student against a decision or conduct of any office-bearer, or structure under its jurisdiction;
- (l) take the necessary action to ascertain Student opinion;
- (m) where institutions representing certain groups or categories of Students exist, to liaise with such institutions, learn and consider their views and needs;
- (n) adopt and implement measures to promote services to Students, liaise with Service Providers towards the advancement of services to Students and request the University whenever the interest of Students so require to establish additional Service Providers;
- (o) receive financial allocations made by the University Council to the Student Representative Council and carry out financial activities, including fundraising, in accordance with this Constitution and in particular the provisions of section 49 or the powers conferred on it by the University Council and administer in the interests of the Students such funds or other assets that may be allocated to it by the University Council, or received by it from any other source;
- (p) subject to the provisions of this Constitution, to extend recognition to and withdraw recognition from any Society under its jurisdiction;
- (q) make its views known on matters of general concern likely to be of interest to or to affect Students or a group of Students; provided that the Department of Corporate Communication and Marketing, and in particular the media liaison office, be informed of all media liaison. All media releases must state on whose behalf such statement is released and must be authorized by such body. In the case of media releases and media conferences, the Department of Corporate Communication and Marketing must be given advance notice;
- (r) promote, and to the extent that it is legally and factually competent, to ensure the enforcement of judgments of the Constitutional Tribunal;
- (s) identify and communicate any shortcomings in this Constitution to the Dean of Students or Deputy Director Student Affairs or their designated representative and in co-operation with the Dean of Students or Deputy Director Student Affairs or their designated representative;
- (t) consider and, if found to be acceptable, approve the constitutions of Student governance structures, including relevant structures referred to in chapter 8 of this Constitution.

- (u) liaise with other institutions, Student Representative Councils of other institutions, as well as national and international Student organisations;
  - (v) keep comprehensive minutes of all Student Representative Council meetings and submit such minutes to subsequent meetings of the Student Representative Council for approval; and
  - (w) do whatever is reasonably required to effectively execute its powers and duties in terms of this Constitution or specifically assigned to it by the University Council or University Authorities.
- (2) The Student Representative Council must develop a plan of action that must among other things give effect to its responsibilities as described in section 41(1) of this Constitution. The plan of action must be developed before the official opening of the academic year and must be submitted to the University Management for consideration.
  - (3) The Dean of Students and Deputy Director Student Affairs are responsible for the training of the Student Representative Council and its committees. The Student Representative Council must ensure that its members and/or members of Portfolio Committees receive suitable training by attending compulsory training sessions.

#### **42 Meetings of the Student Representative Council**

- (1) Ordinary meetings of the Student Representative Council are held weekly. The first meeting of the Student Representative Council elect is held within a week after the election of the Student Representative Council elect by the Student Parliament. No ordinary meetings are held during official examinations and recess periods. A schedule of ordinary meetings is prepared and communicated at the first meeting of the Student Representative Council.
- (2) On the instruction of the President, or at the written request of at least seven (7) of Student Representative Council members, accompanied by a proposed agenda, the Secretary-General of the Student Representative Council must convene a special meeting of the Student Representative Council forthwith: Provided that notice of this special meeting must be given to all members of the Student Representative Council at least twenty four (24) hours before the time for the commencement of the meeting, and such notice must include the date, time and place of the meeting, as well as the agenda for the meeting.
- (3) (a) Meetings are not open to the Public, provided that any member of the Student Parliament, the Dean of Students, Deputy Director Student Affairs or any member of the Executive of the University, either of his or her own accord or at the invitation of the Student Representative Council may attend a Student Representative Council meeting as an observer.

- (b) A person who intends to attend a meeting of the Student Representative Council as an observer must notify the Secretary-General of the Student Representative Council of said intention in order to be provided with a copy of the agenda. Where individual persons or particularly sensitive matters are discussed, the President may declare the discussion of a particular item closed to observers.
- (4) Meetings are chaired by the President provided that the President and the Deputy President can arrange that meetings or part thereof be chaired by the Deputy President.
- (5) Accurate minutes of all meetings must be kept and provided to members of the Student Representative Council, the Speaker of the Student Parliament, the Dean of Students and Deputy Director Student Affairs, and at their request, to the University Authorities. Minutes of Student Representative Council meetings are Public Documents and any member of the University community has the right, subject to fair procedural arrangements made by the Secretary-General, to inspect the minutes of all previous meetings of the Student Representative Council. Once approved, minutes must also be posted on the Student Representative Council website.
- (6) The quorum for meetings of the Student Representative Council is two thirds of the members of the Student Representative Council. The quorum is determined at the start of the meeting. If the required quorum is not present at the beginning of a meeting the President or a Deputy President as the case may be, adjourns the meeting and immediately gives oral notice of the next meeting, stating the date, time and place of such meeting, and must contact all members of the Student Representative Council not present to inform them of the arrangements for the next meeting. If at that meeting a quorum is still not present, President or a Deputy President as the case may be, follows the same procedure as set out in this subsection. If at the third meeting the required quorum is still not present, a quorum is deemed to be present and the meeting continues as if it is properly constituted.
- (7) The President must adjourn meetings within a reasonable time.

#### **43 Decision-making**

- (1) Decisions taken by the Student Representative Council are taken on the basis of a simple majority vote of members present at a meeting.
- (2) When the Student Representative Council is not in session the Executive Committee of the Student Representative Council, as intended in section 50 of this Constitution, takes management decisions on the day-to-day technical and operational matters, provided that these are duly approved by the Student Representative Council at the next meeting.

- (3) When the Student Representative Council has a Portfolio Committee for a substantive matter relating to Student governance, the Student Representative Council may allow the Committee to make recommendations in relation to such matters before the Student Representative Council takes a decision.
- (4) The Student Representative Council must inform the Student Parliament of all its decisions on policy matters.
- (5) When a proposal has the support of 50 percent (50%) or more but less than 60 percent (60%) of the members of the Student Representative Council such matter must be referred to the relevant portfolio committee or where such committee does not exist to an *ad hoc* committee composed of members of the Student Representative Council and the Student Parliament. The Portfolio Committee or the *ad hoc* committee, as the case may be, deals with the matter with a view to obtaining the required support to pass a resolution on the matter and make recommendations to the Student Representative Council.
- (6) If the required support of members of the Student Representative Council, after considering the recommendations of the Portfolio Committee or an *ad hoc* committee is still not obtained, the proposal falls away.

#### **44 Dispute resolution**

- (1) Where a dispute arises in the Student Representative Council that renders the Student Representative Council unable to discharge its responsibilities or perform its duties, such dispute is dealt with by the Constitutional Tribunal in the manner provided for in this section.
- (2) The Dean of Students or Deputy Director Student Affairs, or their designated representative, after consultation with the Vice-Principal responsible for Student Affairs, must determine whether the Student Representative Council is unable to discharge its responsibilities or perform its duties and may refer the dispute to the Constitutional Tribunal.
- (3) With a view to resolving the dispute the Constitutional Tribunal convenes and the Chief Justice, Acting Chief Justice, or a judge of the Constitutional Tribunal chairs a meeting of the Student Representative Council during which full discussion of the dispute is allowed.
- (4) The judge chairing the meeting may require members of the Student Parliament to attend part of the meeting to collect relevant information that may assist him/her in resolving the dispute.
- (5) Where the dispute is resolved, the Constitutional Tribunal records the resolution. Such resolution constitutes a binding decision of the Student Representative Council.

- (6) If notwithstanding the procedure described in this section, the dispute still remains unresolved the Constitutional Tribunal arbitrates the matter and makes a binding ruling.
- (7) The Dean of Students may review the ruling if considerations of justice and fairness so require, and may amend or set aside the ruling. Such review must take place within one (1) week of the ruling being made.
- (8) The provisions of this section do not detract from the powers of the University Council described in chapter 11.

### **OFFICE BEARERS, PORTFOLIOS AND PORTFOLIO COMMITTEES**

#### **45 Office-bearers and portfolio allocation of the Student Representative Council**

- (1) The Student Representative Council has a President, Deputy President, Treasurer-General and Secretary-General, elected by the Student Parliament as office-bearers of the Student Representative Council.
- (2) Each member elected to the Student Representative Council must also assume responsibility for at least one portfolio.
- (3) The Student Parliament may annually decide on the portfolios for the Student Representative Council, based on the agenda determined by the Student Parliament and the plan of action for the year drawn up by the Student Representative Council. Following the identification of portfolios by the Student Parliament at its first meeting after it has been constituted, the Student Representative Council must allocate portfolios to its members and constitute such Portfolio Committees as decided by the Student Parliament. The Committees are required to promote and assist in the effective implementation of the annual Action Plan of the Student Representative Council.
- (4) The Student Representative Council may assign responsibility for a portfolio or portfolios to any one or more of its members.
- (5) More than one portfolio may be allocated to a member of the Student Representative Council.
- (6) A portfolio may be shared between members of the Student Representative Council.
- (7) A member of the Student Representative Council responsible for a portfolio diligently executes his/her responsibilities and duties in relation to the portfolio.

#### **46 The President**

- (1) The President of the Student Representative Council is the President of the Student Representative Council as well as the head of the Student

governance structures and is known as the President of the Student Representative Council.

- (2) The President: –
- (a) ensures and oversees the execution and implementation of Student Representative Council responsibilities, programmes and activities;
  - (b) convenes and presides over all meetings of the Student Representative Council and its Executive Committee;
  - (c) addresses the Student Parliament at its meetings on at least six (6) occasions during its term of office on the progress of Student Representative Council programmes;
  - (d) must attend and do whatever is reasonably necessary to ensure the success of mass meetings and presides over mass meetings;
  - (e) represents the Student Representative Council on various official or *ad hoc* forums and/or at other appropriate meetings of the University;
  - (f) liaises with all Student structures as well as Management at the University;
  - (g) may attend, and, address all meetings of committees, Student governance structures, sub-committees, sub-councils and other bodies and organizations under the jurisdiction of or affiliated with the Student Representative Council and communicate the views of the Student Representative Council to such committees, Student governance structures, sub-committees, sub-councils and other bodies and organizations; and
  - (h) is responsible for maintaining sound relations with persons and bodies outside the University: Provided that the President may delegate this responsibility to other members of the Student Representative Council.
- (3) During any period of absence of the President or inability to perform his/her duties for whatever reason, the Deputy President acts as President.

#### **47 The Deputy President**

The Deputy President: –

- (a) diligently deputises for the President and assists and supports the President in executing his/her responsibilities, powers, duties and functions and fulfils any such functions and duties as may from time to time be assigned to him/her by the Student Representative Council or the Executive Committee of the Student Representative Council; and

- (b) must attend and do whatever is reasonably necessary to ensure the success of mass meetings.

#### **48 The Secretary-General**

The Secretary-General is the administrative officer of the Student Representative Council and: –

- (a) co-ordinates the day-to-day management of operations and activities of the Student Representative Council;
- (b) acts as the secretary of Student Representative Council meetings and is responsible for performing and regulating minute taking of all Student Representative Council and Executive Committee of the Student Representative Council meetings including the distribution of agendas and minutes and the communication of decisions and for co-ordinating the maintenance of the archives of the Student Representative Council;
- (c) is responsible for facilitating the accountability of the Student Representative Council to the Student Parliament;
- (d) is responsible for the communication of Student Representative Council decisions to Student Parliament by way of the distribution of Student Representative Council minutes;
- (e) executes the duties in relation to mass meetings described in Chapter 10, including organising mass meetings, disseminating information relating to mass meetings and acts as secretary at mass meetings to take minutes at the mass meeting;
- (f) supports the President in the execution of his/her functions and duties;
- (g) represents the Student Representative Council on various official or *ad hoc* forums and other meetings of the University; and
- (h) is responsible for all print and electronic media statements that fall within the mandate of the Student Representative Council.

#### **49 The Treasurer-General**

- (1) The Treasurer-General is responsible for open and transparent financial administration of the Student Representative Council and the Student Parliament in accordance with the financial policies, policy documents, rules and regulations of the University and is accountable to the relevant University Authorities.
- (2) The financial administration is to include: –
  - (i) Budgetary responsibilities
  - (ii) Recording and controlling of all financial transactions
  - (iii) Allocation of funds to structures entitled thereto in accordance with the approved budget

- (iv) The raising of funds whenever necessary in accordance with University policy and regulations in this regard
  - (v) Financial reporting.
- (3) The Treasurer-General must attend all mass meetings.

## **50 The Executive Committee**

- (1) The Student Representative Council has an Executive Committee consisting of the President, the Deputy President, Secretary-General and Treasurer-General.
- (2) The Executive Committee conducts the day-to-day management of the Student Representative Council, and specifically performs urgent duties of an administrative and technical nature, makes all the necessary decisions in this regard and diligently reports back to the Student Representative Council. The Executive Committee conducts these functions in accordance with its own internal arrangements, within the parameters of the Code of Conduct and this Constitution and with a view to achieving the greatest measure of efficiency.
- (3) The Executive Committee may be assisted by members of the Student Representative Council who do not serve on the Executive Committee.
- (4) The Speaker or Deputy Speaker must attend all Executive Committee meetings of the Student Representative Council *ex officio* but do not have the right to vote.

## **51 Portfolio Committees**

The Student Parliament must establish portfolio committees for each portfolio on the Student Representative Council as well as a Treasury Portfolio Committee. Each Portfolio Committee is chaired by a chairperson elected by the Portfolio Committee and the Treasury Portfolio Committee is chaired by the Treasurer-General.

## **52 Composition of Portfolio Committees**

- (1) (a) Each Portfolio Committee consists of the Student Representative Council member responsible for the particular portfolio as chairperson, members of the Student Representative Council and suitably qualified members of the Student Parliament selected by the Student Representative Council; provided that Portfolio Committees shall be small enough to function effectively and efficiently and shall be broadly representative of the Student Body in terms of race, gender and constituency.
- (b) All Student Parliament members must serve on at least one Portfolio Committee.

- (2) The Student Representative Council may also select suitably qualified Students with relevant expertise and experience who are not members of the Student Parliament or of the Student Representative Council for Portfolio Committees provided that Students who are not members of the Student Parliament (excluding members of the Student Representative Council) shall never constitute more than 20 percent (20%) of the membership of such committee and that judges of the Constitutional Tribunal shall not hold any position on any Portfolio Committee and the principle of broad representation provided for in subsection (1)(a) shall be complied with.

### **53 Duties of Portfolio Committees**

- (1) (a) Portfolio Committees assist the Student Representative Council in enforcing its powers and executing its duties by making informed and considered recommendations to the Council on matters falling within the operational field of the committee.  
  
(b) Portfolio Committees carry out investigations, collect information and do whatever is reasonably necessary to execute their duties.
- (2) Portfolio Committees assist the Student Representative Council member responsible for the portfolio in question to execute his/her duties and responsibilities in relation to such portfolio.
- (3) If particular responsibilities relating to a substructure of the Student Representative Council are assigned to a Portfolio Committee, the committee diligently executes such responsibility under the guidance of the Student Representative Council member responsible for the portfolio in question.
- (4) Whenever due performance of its duties so requires a Portfolio Committee may seek the advice of experts within the operational field of the committee concerned.
- (5) (a) Portfolio Committees must meet at least once a month ,  
  
(b) Meetings are convened by the chairperson of the Portfolio Committee.  
  
(c) Concise minutes of all meetings are kept and made available at the first Student Representative Council meeting that takes place after the Portfolio Committee has met.
- (6) Portfolio Committee recommendations are not binding on the Student Representative Council and the Student Representative Council is competent to consider all views reflected in Portfolio Committee minutes.

## CHAPTER 6

### THE CONSTITUTIONAL TRIBUNAL

#### 54 Establishment and Status

- (1) There is a Constitutional Tribunal that has the jurisdiction and functions in terms of this Constitution and in terms of a constitution of the Constitutional Tribunal that must be adopted by the Student Representative Council and ratified by the Student Parliament. The constitution of the Constitutional Tribunal is drafted by the judges of the Constitutional Tribunal in consultation with the Student Representative Council.
- (2) The Constitutional Tribunal replaced the Student Court on 1 January 2008, upon which the Student Court and any constitution providing for a Student Court were revoked.
- (3) In the event of a dispute between the Student Representative Council or the Student Parliament and the Constitutional Tribunal or its justices, in relation to the adoption or ratification of the constitution of the Constitutional Tribunal, such dispute is decided by a dispute commission of legal experts appointed by the Dean of Students or the Deputy Director Student Affairs. The decision of the dispute commission is final.
- (4) The Constitutional Tribunal is independent, impartial and objective and receives an annual financial allocation from the Dean of Students.

#### 55 Jurisdiction of the Constitutional Tribunal

- (1) The Constitutional Tribunal has the jurisdiction described in section 44 and chapter 6 of this Constitution.
- (2) Any registered Student or any Student governance structure of the University may approach the Constitutional Tribunal to: –
  - (a) give an advisory interpretation of the Bill of Student Rights. Such advisory opinion is communicated to the person or structure, as the case may be, that has requested the opinion as well as to the Dean of Students, Deputy Director Student Affairs and the President of the Student Representative Council;
  - (b) adjudicate any dispute arising from the Constitution, outside the Bill of Student Rights or a constitution adopted in terms of this Constitution, including a dispute pertaining to the exercising of authority and or the execution of functions by any Student governance structure carried out in terms of this Constitution or a constitution adopted in terms of this Constitution.

- (3) Decisions by the Constitutional Tribunal in terms of section 55(2)(b) are subject to review by the Dean of Students or his/her designated representative where considerations of justice and fairness so require.
- (4) The Constitutional Tribunal and individual members of the Tribunal have the additional powers and functions, conferred upon it by the Executive of the University.
- (5) In terms of the Disciplinary Code (Students) the Constitutional Tribunal appoints Student members sitting on the presiding panels of Disciplinary Committees.

## **56 Composition of the Constitutional Tribunal**

- (1) The bench of the Constitutional Tribunal is composed in accordance with the constitution of the Constitutional Tribunal provided that no member of the Student Parliament or Student Representative Council may, for a period of one (1) year after his/her term in the these bodies has expired make him/herself available for a position as a member of the bench or any other post of the Constitutional Tribunal.
- (2) The head of the Constitutional Tribunal is the Chief Justice. An Acting Chief Justice discharges the duties of the Chief Justice if the position of Chief Justice is vacant or if the Chief Justice is temporarily incapable of performing her or his duties.

## CHAPTER 7

### TERMINATION OF MEMBERSHIP AND FILLING OF VACANCIES

#### 57 Termination of membership

- (1) A member of any of the Student governance structures ceases to be a member and immediately vacates his or her position when: –
  - (a) he or she ceases to meet any of the requirements set out in section 22 of this Constitution;
  - (b) he or she is found guilty by a disciplinary committee or tribunal of the University for a transgression of the Disciplinary Code or other rules and regulations of the University;
  - (c) he or she is found guilty by an independent body contemplated in section 24 of this Constitution of seriously transgressing the Code of Conduct of the Student Representative Council;
  - (d) he or she in a written communication to the President of the Student Representative Council resigns if he or she is a member of the Student Representative Council and to the Speaker if he or she is a member of the Student Parliament;
  - (e) if he or she is a member of the Student Parliament, when he or she is absent without written apology from two (2) ordinary meetings of the Student Parliament during his/her year of office; or if he or she is a member of the Student Representative Council when he or she is absent without written apology from five (5) ordinary meetings of the Student Representative Council during his/her year of office;
  - (f) if he or she is a member of the Student Representative Council when the Student Parliament passes a motion of no-confidence in the Student Representative Council or such member.
- (2) The Dean of Students or Deputy Director Student Affairs or their designated representative must be notified forthwith in writing of any cessation of membership or removal from office.

#### 58 Filling of vacancies

- (1)(a) If the post of President, Deputy President, Secretary-General or Treasurer-General falls vacant in the Student Representative Council the Student Parliament fills the vacancy by electing a member from among their ranks at the first ordinary meeting after the vacancy has occurred. The Student Parliament must ensure that the person selected as Treasurer-General possesses appropriate knowledge of and skills in financial matters.

- (b) If the post of Speaker or Deputy Speaker falls vacant in the Student Parliament, the Student Parliament elects a member from among their ranks to fill the vacancy at the first ordinary meeting after the vacancy has occurred.
  - (c) If any other vacancy occurs on the Student Representative Council the Student Parliament fill the vacancy at the first ordinary meeting of the Student Parliament after the vacancy has occurred on the Student Representative Council.
  - (d) If a vacancy occurs in the Student Parliament a new member is elected or identified as the case may be in the constituency in question, which election shall be held in the manner described in subsection (3) and in terms of the elections regulations; provided that for purposes of this paragraph the election of a member of the Student Parliament to the Student Representative Council following a vacancy arising in the Student Representative Council, will be deemed to result in a vacancy in the Student Parliament.
- (2) The existence and continued functioning of the Student Representative Council and the Student Parliament and their power to fulfil their responsibilities and perform their functions under this Constitution are not affected by the occurrence of vacancies provided that if the membership of the Student Representative Council falls below fifteen (15) or that of the Student Parliament below 50 percent (50%) of the members of the Student Parliament, both the Student Representative Council and the Student Parliament are dissolved.
- (3) If a vacancy occurs in the Student Parliament a new member replaces the previous member in the following manner: –
- (a) In the case of a vacancy occurring in any of the Faculty constituencies the losing candidate who received the largest number of votes in the preceding election for the Faculty constituency concerned fills the vacancy, subject to the composition provisions set out in section 27. If the losing candidate who received the largest number of votes in the preceding election is no longer available, the next candidates in line, in the order of the number of votes received by each candidate from the largest number to the smallest number, fill the vacancy;
  - (b) In the case of a vacancy occurring in the Residence constituency a new member is elected in accordance with and subject to the provisions of section 28;
  - (c) In the case of a vacancy occurring in the Day Student constituency a new member is elected in accordance with and subject to the provisions of section 29 (further subject to chapter 13);
  - (d) In the case of a vacancy occurring in the Society constituency a new member is elected from the same Society as the vacating member

according to that Societies' preference list, subject to the composition provisions set out in section 30. If the candidate who received the largest number of votes in the preceding election is no longer available, the next candidates in line, in the order of the number of votes received by each Society fill the vacancy.

## CHAPTER 8

### SUB STRUCTURES, SUB-COUNCILS AND SOCIETIES

#### 59 Sub-councils

There is a Sub-Council for Societies and a Sub-Council for Service Providers, each functioning in terms of their own constitution and rules. Minutes of Sub-Council meetings must be sent to the Student Representative Council for information.

#### 60 Powers of the Student Representative Council in relation to substructures

- (1) Substructures of the Student Representative Council are institutions created by the Student Representative Council in terms of this Constitution, or constitutions that were in existence at the time this Constitution came into force, and are recognized in terms of this Constitution as a substructure under the jurisdiction of the Student Representative Council.
- (2) Substructures are created on the basis of a resolution adopted by the Student Representative Council, ratified by the Student Parliament.
- (3) Such substructures shall function in terms of their own constitutions approved by the Student Representative Council and the Student Parliament and shall be accountable to the Student Representative Council.
- (4)(a) The Sub-Council for Societies and the Sub-Council for Service Providers are substructure of the Student Representative Council.
- (b) The Sub-Councils remains in existence until the Student Representative Council through a resolution ratified by the Student Parliament decides otherwise.
- (c) The Constitutions of the Society and Service Providers Sub-Councils may be reviewed and amended by the Student Representative Council by resolutions ratified by the Student Parliament.

#### 61A Societies

- (1) By virtue of the rights under the Constitution of the Republic of South Africa and the student rights under this Constitution, students may establish Societies of whatever kind.
- (2) Without detracting from the variety of Societies that may be formed, Societies may include Student Societies of an academic, social, political, cultural or religious nature, including academic Societies associated with specific academic programmes or departments of Faculties, organised at the University of Pretoria.

- (3) Societies are not substructures of the Student Representative Council, do not fall under the jurisdiction of the Student Representative Council and are not required to comply with any conditions for their establishment or functioning other than those laid down in the laws of the Republic of South Africa and in resolutions of the Management of the University. All Societies are subject to the institutional rules of the University.
- (4) Societies may, if they so wish, seek registration with the Student Representative Council.
- (5) Only societies that are registered with the Student Representative Council qualify for University funds allocated by the Student Representative Council and for benefits, including office space and the use of University venues and facilities and relevant related conditions. Only these Societies are eligible to register for the elections.
- (6) All registered Societies are members of the Society Council, which is a substructure of the Student Representative Council. Societies registered with the Student Representative Council are subject to the provisions set out in the provisions of the Constitution of the Society Council.
- (7) A society has to register with the Electoral Committee if the Society wishes to participate in the elections.

#### **61B Service Providers**

Service Providers are regulated as set out in sections 60 and chapter 9 of this Constitution. Each of the Service Providers is a member of the sub-council for Service Providers, which is a substructure of the Student Representative Council.

#### **62 Faculty and Day Houses**

- (1)
  - (a) There are Faculty Houses and Day Houses, which are registered with the Student Representative Council and that function in terms of their own constitutions.
  - (b) Faculty Houses and Day Houses provide the opportunity for Students to participate in organised Student life.
    - (i) Faculty Houses are organised along Faculty lines with a focus on academic matters.
    - (ii) Day Houses may have as members any day Student focus on social events, sport and cultural activities.
- (2) For the purpose of carrying out their functions, the House Committees of Faculty Houses and Day Houses qualify for funds allocated by the Student Representative Council, and for benefits, including the use of University facilities subject to their availability and relevant related conditions.

- (3)A (a) The house committee of Faculty Houses typically consists of a:
- (i) Chairperson
  - (ii) Deputy Chairperson
  - (iii) Secretary
  - (iv) Treasurer
  - (v) Academic Officer
- (b) If the need exists further portfolios can be established;
- (c) The house committee of Faculty Houses must have a guardian who is a permanent, full-time academic member of staff of the Faculty concerned.
- (3)B (a) The house committee of Day Houses typically consists of a:
- (i) Chairperson
  - (ii) Deputy Chairperson
  - (iii) Secretary / Administrative Officer
  - (iv) Treasurer
  - (v) Social Officer
- (b) If the need exists further portfolios can be established;
- (c) The house committee of Day Houses must have a guardian who is a permanent, full-time academic member of staff appointed by the Department of Student Affairs in consultation with the house committee.
- (4) The Constitution of a Faculty House and Day House must be approved by Student Representative Council resolution ratified by the Student Parliament.

## **63 Funding**

- (1) Faculty Houses, Day Houses and Societies registered with the Student Representative Council qualify for funding from the Student Representative Council in accordance with the provisions of the Regulations for the Allocation of Funds.
- (2) The granting of such funds is subject to the provisions applicable to Student structures.
- (3) Fund allocation and expenditure must be transparent and are subject to Public scrutiny as well as audit by the University Authorities.
- (4) All funds allocated by the Student Representative Council must be used for the purposes for which they were granted.

## CHAPTER 9

### SERVICE PROVIDERS

#### 64 Existing and new Service Providers

- (1) There are five Service Providers in existence at the time of the entering into force of this Constitution namely:
  - (a) Student Culture;
  - (b) the Central Rag Committee;
  - (c) *Perdeby*;
  - (d) Tuks FM;
  - (e) the Central Sports Committee.
- (2) Additional Service Providers may be established by the University at the request of the Student Representative Council.
- (3) The Service Providers form a Sub-Council of the Student Representative Council as set out in sections 59 and 61 of this Constitution

#### 65 Accountability, General Provisions relating to Service Providers

- (1) In relation to their services to the Student Community Service Providers are accountable to the Student Representative Council.
- (2) In relation to their financial and business management Service Providers function under the line management of the Dean of Students.
- (3) Service Providers are staffed by Student volunteers; provided that the University Council and/or the Executive of the University have the power to appoint and mandate persons to conduct the financial and operational management of a Service Provider on behalf of the University.
- (4) A person appointed or mandated in terms of section 65(3) as operational manager is accountable to the relevant line manager as indicated in the terms of his/her appointment.

#### 66 Responsibilities and duties of the Service Providers: General Provisions

- (1) Duly recognising all communities constituting the Student Body of the University of Pretoria, Service Providers provide efficient, professional services to the Student Body.
- (2) Service Providers promote broad participation by Students in the activities of such Service Providers.
- (3) Service Providers act in accordance with their own constitutions and in accordance with this Constitution.

- (4) Service Providers must co-operate closely with the Student Representative Council, as far as possible implement Student Representative Council decisions in relation to service delivery and be responsive to the views expressed by the Student Representative Council.
- (5) Service Providers must participate in the work of the sub-council for Service Providers and send representatives to meetings of relevant Portfolio Committees.
- (6) Service Providers must submit planned programmes of action to the relevant Sub-Council for Service Providers at the beginning of their terms of office.
- (7) Tuks FM and *Perdeby* must comply with the relevant media codes of conduct and licensing requirements and must provide information and entertainment in a professional, impartial, balanced and relevant manner.

#### **67 Procedure for lodging a complaint against a Service Provider**

- (1) Students aggrieved by the services of a Service Provider including with the contents or programmes of *Tuks FM* or reporting and comments by *Die Perdeby*, may lodge a complaint in writing with the chairperson of the relevant Service Provider and must furnish a copy of the complaint to the Student Representative Council, Dean of Students or Deputy Director Student Affairs.
- (2) On receiving the complaint the chairperson of the relevant Service Provider tries to resolve the matter and responds in writing, indicating to the complainant what steps, if any, have been taken to satisfy the complainant and furnishes a copy of the response to the Student Representative Council, Dean of Students or Deputy Director Student Affairs.
- (3) If the complaint cannot be resolved to the satisfaction of the complainant the Student Representative Council through the Sub-Council for Service Providers tries to solve the matter.
- (4) If the complaint involves the conduct of Student media including the Rag magazine and Tuks FM, the matter is referred to the relevant University Authorities.
- (5) The Student Representative Council and the Sub-Council for Service Providers must make information available to the Student Community on the procedure for lodging a complaint against a Service Provider.

**CHAPTER 10**  
**MASS MEETINGS**

**68 Purpose of Mass Meetings**

- (1) Mass meetings provide the opportunity for open discussion of matters of pressing concern to the Student Body and for the Student Representative Council to report on and / or seek the views of the Student Body on any matter within the jurisdiction of the Student Representative Council.
- (2) Mass meetings are convened as and when required.

**69 Procedure in respect of the holding of Mass Meetings**

- (1) A mass meeting may be convened by the Student Representative Council on its own initiative or at the request of a Student. If a mass meeting is requested by a Student the procedures set out in subsection (2) must be followed.
- (2)(a) A mass meeting may be requested by any Student, referred to as the requester, by way of a petition signed by a minimum of three hundred (300) registered Students of the University and stating clearly and concisely the grounds for the request, submitted to the Secretary-General of the Student Representative Council.
- (b) The Secretary-General verifies that the persons who signed the petition are registered Students of the University of Pretoria. He/she notifies the requester if any of the signatories are not Students. The requester is granted an opportunity to rectify any defects in the petition, after which it may again be submitted.
- (c) If the petition complies with the requirements of subsections (1) and (2) the Secretary-General immediately advises the President of the Student Representative Council and the Student Parliament and convenes a mass meeting within two (2) weeks after receiving the request.
- (3) The Secretary-General must give notice of all mass meetings and places a notice of a mass meeting stipulating its date, time, place and agenda on the official notice boards at least seven (7) calendar days prior to the meeting.

**70 Procedural arrangement for mass meetings**

- (1) The President of the Student Representative Council or a facilitator appointed by the Student Representative Council acts as the chairperson of a mass meeting.
- (2) Mass meetings must be attended by all the members of the Student Representative Council and Student Parliament.

- (3) Only registered Students of the University of Pretoria may attend and participate in mass meetings, provided that they present their Student cards to the Secretary-General or a person or persons acting on her / his behalf when requested to do so.
- (4) The Secretary-General of the Student Representative Council acts as Secretary to take minutes at the mass meeting, which must be available within five (5) calendar days of the mass meeting.
- (5) The Secretary-General must report back to the Student Representative Council and the Student Parliament on the proceedings at the mass meeting.

## CHAPTER 11

### EXTRAORDINARY MEASURES

- 71** If there are reasonable grounds for the Council of the University to believe that the Student Representative Council is objectively incapable to discharge its basic responsibilities and duties as described in section 41 and has as a result become dysfunctional the University Council may dissolve the Student Representative Council and must -
- (1) Arrange for elections to be held in accordance with the provisions of chapter 12 within a period not exceeding six (6) months from the date of dissolution;
  - (2) Appoint a temporary student committee consisting of not less than nine (9) and not more than fifteen (15) students complying with the requirements of section 22 and at least half of whom who are current or previous members of the Student Parliament or Student Representative Council of the University to administer any urgent affairs of the Student Representative Council until a new Student Representative Council is elected.
- 72** If there are reasonable grounds for the Council of the University to believe that the Student Parliament is incapable to discharge its responsibilities and functions under section 32 and 33, the University Council may dissolve the Student Parliament and directs that the Student Representative Council discharges its responsibilities and functions in the absence of the Student Parliament until the next election.

## CHAPTER 12

### ELECTION

**73** Elections for the Student Parliament are held annually at least one (1) week before the commencement of the Spring recess as indicated on the official University calendar.

**74** The Dean of Students or Deputy Director Student Affairs announces the date of the annual elections with not less than four weeks prior notice and not less than two weeks before the final date for the nomination of candidates (subject to chapter 13).

**75** **Electoral Committee and Chief Electoral Officer**

- (1) There is an Electoral Committee for each election, constituted before the announcement of the annual elections for the Student Parliament.
- (2) The Electoral Committee is an independent body that organizes the election process and discharges the duties set out in this chapter.
- (3) The Electoral Committee has eleven (11) members, consisting of the Chief Electoral Officer and ten (10) electoral officers appointed in terms of this section.
- (4) The Chief Electoral Officer is a serving judge appointed by the Constitutional Tribunal.
- (5) The other ten (10) electoral officers are appointed by the Dean of Students after consultation with the Chief Electoral Officer. Electoral Officers must comply with the requirements of section 22 of the Constitution but may not stand as a candidate in the election or in any way be involved in campaigning in the election. Electoral Officers receive no remuneration for their duties.
- (6) The Chief Electoral Officer and members of the Electoral Committee must be sworn in by the Chief Justice or Acting Chief Justice of the Constitutional Tribunal before commencing their duties.
- (7) The Chief Electoral Officer, may, in consultation with the Dean of Students, appoint Students who are eligible to vote in the elections to provide administrative support to the Electoral Committee. Such Students may not be candidates in the elections or campaign in the elections and must at all times act impartially.
- (8) (a) The Chief Electoral Officer must report regularly to the Dean of Students and the Deputy Director Student Affairs on progress with the electoral process.

(b) The Chief Electoral Officer must also submit to the Dean of Students or his designated representative all documents that are to be distributed during the election process.

## **76 Powers and duties of the Electoral Committee and Electoral Officers**

- (1) The Electoral Committee exercises control over all aspects of the election for the Student Parliament and must make all necessary practical arrangements to ensure that the Student Parliament election is free and fair.
- (2) If the Chief Electoral Officer or any Electoral Officer has reasonable grounds for believing that:
  - (a) A Student or Society has or is acting or is about to act in a manner that may disrupt any part of the election process; or
  - (b) That the conduct of a Student or Society may in any way be detrimental to the freeness and fairness of the election process, he or she may order the Student or Society to refrain from such act. If a Student or Society refuses to comply with such order from the Chief Electoral Officer or any Electoral Officer, the Chief Electoral Officer or other Electoral Officer may have recourse to any remedy – including but not limited to mandating the University's Security Services to enforce compliance with such an order – that is reasonable in the circumstances.
- (3) The Electoral Committee must take all reasonable measures to ensure that no campaigning is done within twenty (20) meters of a polling station on the day of the elections.
- (4) Refusal or failure to comply with section 76(2) or (3) is grounds for lodging a formal complaint or objection in terms of section 81 of this Constitution with the Independent Monitoring Body.
- (5) The Chief Electoral Officer must safely store all documents concerning the Student Parliament election for a period of one (1) year from the announcement of the election results.

## **77 Voters roll**

- (1) Elections in the Faculty Constituencies and Society Constituency take place on the basis of a voters roll for each constituency, which is administered by the relevant University Authorities and made available to the Electoral Committee two (2) weeks before the annual election.
- (2) Voters rolls must be made readily available by the Electoral Committee to enable students to establish whether or not they are registered.

## **78 Independent Monitoring Body and Special Election Court**

- (1) An Independent Monitoring Body is constituted before the announcement of the annual elections for the Student Parliament, consisting of -
  - (a) three (3) members of the outgoing Student Representative Council, designated by the Student Representative Council, who are not candidates in the elections;
  - (b) not more than three (3) persons designated by the Office of the Dean of Students;
  - (c) not more than three (3) persons designated by the Office of the Vice-Principal responsible for Student Affairs; and
  - (d) two (2) Constitutional Tribunal judges, who do not serve on the Electoral Committee and who will not be members of the Special Election Court as described in this chapter, adjudicating a matter flowing from the election.
- (2) The Independent Monitoring Body is chaired by the Dean of Students or his/her representative on condition that the same person cannot be the Chairperson of the Independent Monitoring Body and the person who approves the election material as stipulated in this chapter.
- (3) The Independent Monitoring Body must ensure that elections are free and fair through the monitoring of all the phases of an election, including: –
  - (a) nominations and nomination procedures;
  - (b) campaigning procedures and activities;
  - (c) voting and voting procedures;
  - (d) the design, printing, distribution and collection of ballot papers;
  - (e) the counting of votes and the announcement of results.
- (4) The Independent Monitoring Body must meet at least twice a week during the election period.
- (5) Complaints or objections relating to the elections must be lodged in writing with the Independent Monitoring Body not later than 22:00 of the day of the election.
- (6) Before declaring an election free and fair, the Chairperson of the Independent Monitoring Body must attend to complaints and objections.
- (7) The Independent Monitoring Body investigates the complaint or objection. If, on investigation by the Independent Monitoring Body there appears to

be grounds for the complaint or objection, which grounds, if proven, could render the election in any constituency or the election as a whole unfair or not free, the Independent Monitoring Body must refer the complaint or objection to a Special Election Court for speedy adjudication. If the Independent Monitoring Body is unable to reach consensus on the referral of a complaint or objection to the Special Election Court, any member of the Independent Monitoring Body may refer the matter to the Special Election Court.

- (8) The Special Election Court is constituted before the announcement of the annual elections for the Student Parliament, and is composed of:
- (a) the Vice-Principal responsible for Student Affairs or his/her representative;
  - (b) two (2) senior staff members from the Faculty of Law of whom one shall act as Chairperson of the proceedings;
  - (c) a person representing the University Management appointed by the Vice-Chancellor and Principal;
  - (d) two (2) Constitutional Tribunal judges who did not serve on the Electoral Committee or the Independent Monitoring Body.
- (9) The Special Election Court shall determine its own procedures but must comply with the principles of procedural fairness.
- (10) The Special Election Court on investigating a complaint referred to it by the Independent Monitoring Body may make an order that is just and equitable, including –
- (a) finding a person guilty of contravening any of the provisions of this Chapter and imposing a fine payable at the Tuks Counter;
  - (b) disqualifying a candidate and canceling her / his nomination;
  - (c) referring the matter to the Disciplinary Committee: Students;
  - (d) declaring the entire election or the election in one (1) or more of the constituencies null and void, after which the election process must start anew as soon as possible.

## **79A Elections in the Faculty Constituencies**

- (1) Nominations
- (a) Candidates in Faculty constituencies are nominated in the manner set out in this section.
  - (b) Every Student, herein referred to as the nominator, who has the right to vote in a particular constituency may nominate a fellow

Student registered in the same Faculty constituency as the case may be, as a candidate in that constituency.

- (c) The nomination is effected by the nominator and ten (10) seconders completing and signing the prescribed nomination form, and by the nominee accepting the nomination in writing on the form.
- (d) Nomination forms must be made available by the Chief Electoral Officer at various central points on campus and on the intranet.
- (e) Nomination forms must contain full information on aspects pertaining to the election, including information regarding the dates and times of meetings and events pertaining to the election.
- (f) Nomination forms for candidates contesting the election must provide the following information:
  - (i) The name and Student number of the candidate as well as such person's telephone number and address.
  - (ii) An ID photograph of the candidate.
  - (iii) A declaration of acceptance of the nomination signed by the candidate.
  - (iv) A completed standard resumé form.
  - (v) The candidate's policy statement or goals.
  - (vi) A list of the names (in block capitals), Student numbers and signatures of the ten (10) Students who support the candidate's nomination.
- (g) The duly completed nomination form must be delivered before the closing date for official nominations, by hand to the Office of the Dean of Students or the Electoral Committee at their offices as indicated on the nomination forms.
- h) No nomination form will be accepted after the date and time for closing of official nominations.
- (i) The Office of the Dean of Students and Electoral Committee will determine whether the nomination form was fully and accurately completed and, if not, will afford the nominator, nominee or seconder the opportunity to rectify defects in the form.
- (j) The Office of the Dean of Students or Electoral Committee will furthermore check the eligibility of the nominee in terms of section 22 of this Constitution.
- (k) Complete nominations of eligible nominees will then be forwarded to the Chief Electoral Officer.

- (l) The Chief Electoral Officer accepts the nomination of a candidate immediately on receipt of a duly completed nomination form and advises the candidate and the nominator accordingly.

## **79B Elections in the Society Constituencies**

- (1) Nominations
  - (a) Candidates in the Societies constituencies are nominated in the manner set out in this section.
  - (b) Every Society, wishing to participate in the elections has to be a registered Society with the Student Representative Council and has to register for the elections with the Electoral Committee to participate in the Societies Constituency.
  - (c) In order to register for the Elections a Society has to complete a registration/nomination form and complete the attachments to this form, including a list of two hundred (200) students supporters and a list of at least 5 nominated candidates. Each of the nominated candidates must accept the nomination in writing on the nomination form.
  - (d) Registration/nomination forms must be made available by the Chief Electoral Officer at various central points on campus and on the intranet.
  - (e) Registration and nomination forms must contain full information on aspects pertaining to the election, including information regarding the dates and times of meetings and events pertaining to the election.
  - (f) Registration forms for Societies contesting the election must provide the following information:
    - (i) The registered name of the Society and the names of candidates as well as such person's Student number, telephone number and address.
    - (ii) An ID photograph of the candidates who will stand for the Society.
    - (iii) A declaration of acceptance of the nomination signed by the candidates for the Society.
    - (iv) A completed standard resumé form by the candidates on the preference list of the Societies.
    - (v) The Society's policy statement or goals.
    - (vi) A preference list for the Society of the names, Student numbers and signatures of their nominated Students. The names and Student numbers of at least two hundred (200) Students supporters who support the Society's registration.
    - (vii) Proof of registration with the Electoral Committee.

- (g) The duly completed forms must be delivered before the closing date for registration by hand to the Office of the Dean of Students or the Electoral Committee's offices in Tukkieurf.
- (h) No nomination form will be accepted after the date and time for closing of official nominations.
- (i) The Office of the Dean of Students and the Electoral Committee determine whether the registration form was fully and accurately completed and, if not, will afford the Society the opportunity to rectify defects in the form.
- (j) The Office of the Dean of Students or a designated person will furthermore check the eligibility of the nominees in terms of section 22 of this Constitution.
- (k) A complete list of registered Societies with their eligible nominees will then be forwarded to the Chief Electoral Officer.
- (l) The Chief Electoral Officer accepts the list of Societies on receipt of the duly completed forms and advises the Societies accordingly.

#### **79C** Campaigning in the Faculty and Society Constituencies

- (1) Rules regarding campaigning
  - (a) Campaigning for the election takes place by way of poster campaigns and election circuses organized by the Electoral Committee.
  - (b) All formal campaign material must be prepared by the resources made available in the Student Development Division and must be approved by the Electoral Committee and Dean of Students or Deputy Director Student Affairs or their representative (on condition that the same person cannot be the Chairperson of the Independent Monitoring Body and the person who approves the election material). All relevant University rules shall apply for the content and use of campaign material.
  - (c) The University will further sponsor the election campaigning by funding a special issue of the *Perdeby* Student newspaper in which faculty candidates and Societies may publish their election manifestos. Each Faculty candidate will be granted an equal amount of space in this special edition. All registered Societies contesting the election will be granted an equal amount of space in this special edition. No further advertising space in any edition of the *Perdeby* will be granted to any Faculty candidate or Society. The Electoral Committee is responsible for the editorial review of the special issue of the *Perdeby* in Afrikaans and English.

- (d) Campaigning material is funded from central election funds. Any other sponsorship either financially or in kind other than the funds allocated from the central election must be approved by the Electoral Committee and Dean of Students or Deputy Director Student Affairs or their representative (on condition that the same person can not be the Chairperson of the Independent Monitoring Body and the person who approves the sponsorships)..
- (e) No campaign material other than what is officially provided in terms of this section is allowed subject to subsection (g). All flyers, flags, T-shirts or other clothing items or accessories, freebies, e-mail and bulk SMS campaigns as well as posters other than those supplied by the University from central election funds must comply with subsection (g).
- (f) A candidate found guilty of acting in contravention of these campaign material provisions may be reported to the Independent Monitoring Body and could be disqualified as nominee or candidate by the Special Election Court.
- (g) Notwithstanding any of the above provisions, a candidate or Society may apply to the Chief Electoral Officer and Dean of Students or Deputy Director Student Affairs or their representative (on condition that the same person cannot be the Chairperson of the Independent Monitoring Body and the person referred to in this section) formally and in writing, for the approval of any marketing material not funded from central election funds and not generated by the University. An original specimen of such material must accompany the application and must be approved by the Chief Electoral Officer and the Dean of Students or Deputy Director Student Affairs or their representative at least forty eight (48) hours before it is to be used.
- (h) If a candidate or society disputes the finding of the Chief Electoral Officer and the Dean of Students or Deputy Director Student Affairs or their representative, the candidate or Society can formally and in writing, appeal to the Vice Principle for Student Affairs for the approval of the marketing material.
- (i) All campaign material should comply with the following: –
  - (i) The provisions of the Bill of Student Rights
  - (ii) The Code of Conduct of the University of Pretoria
  - (iii) The principles of democracy
  - (iv) It should not be found to be offensive or contain hate speech
  - (v) The visual portrayal of all campaigning material should be sensitive in terms of gender, disability, a culturally diverse community, and may not directly or indirectly contain any form of racism, sexism, pornography, nudity, hate speech on whatever ground, foul language, blatant discriminatory

remarks or content that is detrimental to the image and stature of the University.

- (j) Additional criteria may be developed by the Electoral Committee.
  - (k) By signing their nomination, every Faculty candidate and Society candidates will be deemed to have accepted the campaign rules, agreeing to abide by the letter and spirit of such rules.
- (2) Election circuses
- (a) Election circuses for the Faculty constituencies must be held in the period between the final date for the nomination of candidates and date of the elections.
  - (b) The Chief Electoral Officer, in consultation with the relevant Deans of the respective Faculties, must announce the dates and times of the respective election circuses to be held in each of these constituencies. If a Faculty has courses presented at an External Campus an additional circus must be held on that campus.
  - (c) The purpose of election circuses is to provide each candidate with an opportunity to outline his/her election manifesto and to give the Student Community an opportunity to engage in debate with such candidates regarding their manifestos and other matters pertaining to the election.
  - (d) Election circus/circuses for the Society constituency must be held in the period between the final date for the nomination of candidates and date of the elections.
  - (e) The Chief Electoral Officer, in consultation with the Dean of Students or Deputy Director Student Affairs or their representative, must announce the date and time of the circus/circuses to be held in the constituency.
  - (f) The purpose of election circuses is to provide each Society with an opportunity to outline their election manifesto and to give the Student Community an opportunity to engage in debate with such Societies regarding their manifestos and other matters pertaining to the election.
  - (g) If the Electoral Officer organises a circus on an External Campus, Societies must indicate to the Electoral Committee if they want to participate on the set date and time.
- (3) Polling stations and polling officials
- (a) The Electoral Committee determines the location of polling stations for elections in the Faculty and Society constituencies and

on the External Campuses in such a manner that all Students are given a reasonable opportunity to vote.

- (b) The location of polling stations must be finalized and communicated at least one (1) week before voting starts.
  - (c) Polling stations are staffed by polling officials appointed by the Office of the Dean of Students. Each polling station shall be manned by two (2) such appointed persons who shall be remunerated for their services, as well as one member of the Independent Monitoring Body who shall render monitoring services free of charge.
  - (d) Polling officials must be sworn in by the Chief Electoral Officer before voting starts.
- (4) Election procedures
- (a) The Chief Electoral Officer organises the preparation of ballots for the Faculty and Society Constituencies and for the External Campuses according to the format laid down in the Election Rules and procedures set out in the regulations laid down by the Independent Monitoring Body.
  - (b) During an election round, each voter will be given an opportunity to cast his/her vote in the Faculty in which he/she is registered and for any one of the Societies.
  - (c) Once the votes have been counted, the names of the candidates in each of the Faculty constituencies must be arranged according to the number of votes received in that constituency, from the candidate receiving the highest number of votes to the candidate receiving the lowest number of votes.
  - (d) The proportional representation and names of the candidates in the Society Constituency must be arranged according to the number of votes received in that constituency, from the Society receiving the highest number of votes to the Society receiving the lowest number of votes.
  - (e) The results of the election in the Faculty and Society constituencies must be announced as soon as the Independent Monitoring Body has declared the election free and fair.

## **80 Elections for the Residence, Day Students Constituencies**

- (1) Residence constituency
  - (a) The Dean of Students or his/her designated representative convenes the election meeting envisaged in section 28 to take place between the final date for the nomination of candidates and the election day of Faculty constituencies.
  - (b) All persons who qualify to vote at the election meeting must receive written notice either directly or through the secretaries of

the house committees of the meeting at least one (1) week before the meeting takes place. A notice forwarded to the secretary or any other member of the house committee is deemed to have been forwarded to the full house committee.

- (c) The written notice must state the date, time and place, purpose and nature of the election meeting.
- (d) The quorum requirement for the election meeting to be duly constituted is seventy percent (70%) of the total number of serving house committee members of all the University controlled Residences.
  - (i) The quorum is determined at the start of the election meeting and is valid for the duration thereof.
  - (ii) If the required quorum is not present at the beginning of a meeting the Dean of Students or his/her designated representative adjourns the meeting and immediately gives verbal notice of the next election meeting, stating the date, time and place of such election meeting, and must contact all members of the house committees to inform them of the arrangements for the next election meeting. If at that election meeting a quorum is still not present, a quorum is deemed to be present and the election meeting continues as if it is properly constituted.
- (e) The election meeting described in section 28, is presided over by the Dean of Students or his/her designated representative assisted by the Chief Electoral Officer or another Electoral Officer designated by the Chief Electoral Officer.
- (f) Subject to the composition provisions of section 28 candidates are nominated by completing the prescribed form submitted to the presiding officer at the election meeting.
- (g) Any person who in terms of section 28 qualifies to vote at this meeting may nominate a candidate and the nomination must be seconded by at least one (1) person who is also qualified to vote at the election meeting.
- (h) The nomination must contain the name, address, contact details and Student number of both the nominator and the seconder and the written acceptance of the nominee also accompanied by the name, address, contact details, the Student number and if possible the academic record of the nominee.
- (i) Once all nominations are submitted the presiding officer considers the nominations and gives a nominator, seconder or nominee the opportunity to rectify any defects on the nomination form. The

presiding officer furthermore checks whether a nominee complies with the criteria for eligibility as set out in section 22 of this constitution. Thereafter the presiding officer closes the nominations and announces the names of the candidates who have been nominated.

- (j) The election then continues by secret ballot under the supervision of the presiding officer.
  - (k) Candidates are elected by a simple majority vote of the members present. On completing of the election, the presiding officer counts the votes and announces the results according to the number of votes received, from the candidate receiving the highest number of votes to the candidate receiving the lowest number of votes.
  - (l) The presiding officer must submit the results in written form to the Chairperson of the Residence Advisory Board, the candidates and to the Chief Electoral Officer.
  - (m) Candidates may be present during counting.
- (2) Day Student constituency

The Day Student constituency election is subject to chapter 13.

## **81 Offences, complaints and objections**

- (1) All conduct, including fraud, forgery, assault, corruption, extortion, theft, malicious damage to property, intimidation or any other criminal conduct prohibited under South African law, and relating to the elections for the Student Parliament, as well conduct expressly prohibited in this chapter perpetrated by any student of the University of Pretoria is punishable in terms of the provisions of this chapter or in terms of any other applicable University Regulations.
- (2) Any student, student body, society or structure organised at the University or any staff member of the University may lodge a written complaint or objection about any aspect of the election, in particular any conduct prohibited in this section and any aspect that might impact upon the freeness or fairness of the election with the Independent Monitoring Body.
- (3) Such complaint or objection may be lodged in respect of any candidate, student structure or Electoral Officer, or in respect of the student media or a Student of the University in relation to any aspect pertaining to the election.

## **82 Constituting the Student Parliament**

- (1) Within one (1) week of all election procedures being concluded in the various constituencies, the Chief Electoral Officer must announce the final certified results of the election and publish the names of the candidates who have been elected.
- (2) The Chief Electoral Officer convenes the constituting meeting of the Student Parliament to take place not more than one (1) week after the announcement of the final certified election results and notifies, in writing, the elected candidates accordingly.
- (3) Candidates that have been elected to the Student Parliament must attend the constituting meeting of the Student Parliament.
- (4)
  - (i) Once the newly elected members of the Student Parliament have gathered for the constituting meeting of the Student Representative Council, the Chief Electoral Officer must call them to order and thereafter declare the Student Parliament duly constituted.
  - (ii) The constituting meeting then continues under the chairpersonship of the Chief Justice, Acting Chief Justice or a judge of the Constitutional Tribunal as the case may be.
  - (iii) Once the Student Representative Council has been elected the members are sworn in at a public ceremony (known as the inauguration) presided over by Dean of Students or his/her designated representative.

### **83 Further rules and procedural arrangements**

Further rules and procedural arrangements pertaining to the elections may be issued by the Dean of Students from time to time.

## CHAPTER 13

### TRANSITIONAL ARRANGEMENTS 2010 - 2012

- 84 The arrangements provided for in this chapter apply to the period starting from the election in 2010, for two (2) terms of office, to the end of the student governance term of office in 2012.
- 85 Elections for the 2011 term of office will be announced as soon as the Council of the University of Pretoria approves the amendments.
- 86 The term of office of the members of the Student Representative Council and Student Parliament elected in September 2010 for 2011, shall begin on the dates of the constituting meetings of the Student Parliament and Student Representative Council in 2010 and shall expire on 31 December 2011.
- 87 The election of the Student governance structures for 2012 will take place in terms of this Constitution. Their term of office will be the normal one (1) year, starting on 1 January 2012 and ending on 31 December 2012.
- 88 The English version of the Constitution will be used for the elections in 2010 and 2011 and for the 2011 and 2012 terms of office.
- 89 All steps taken by the University Management (including the Dean of Students or Deputy Director Student Affairs or their representative) shall be deemed to have been correctly taken in terms of this Constitution in order to hold the election and the Constitution shall be deemed to have been legally and validly executed.
- 90 This Constitution will be reviewed during 2011-2012 in order to determine the effectiveness of the changes, particularly to the constituencies and composition of the Student Parliament and to constitute a Day Student constituency.
- 91 The seats in the Student Parliament for Day Student representation will be reallocated for the duration of the 2010 elections (2011 term of office) to the other three constituencies. Therefore the Faculty and Society constituencies will each have forty three percent (43%) representation and the Residence constituency will have fourteen percent (14%) until the system for representation of day Students has been agreed upon.